

**REMARKS**

In the Office Action mailed June 7, 2005, the Examiner rejected claims 14-24 and claims 45-48 under 35 U.S.C. §103(a). However, during an interview conducted on August 23, 2005, the Examiner indicated that claims 47-48 are rejected under 35 U.S.C. § 102(e). The Examiner also rejected claims 25-29 under the judicially created doctrine of obviousness-type double patenting, but indicated that these claims would be allowable if the double patenting rejection is overcome. The Examiner also objected to the specification due to a typographical error, which has been corrected in the Amendment to the Specification section of this Response.

Claims 14, 45, and 47 have been amended as a result of the interview. In addition, claims 17, 19, 20, 22, and 46 have been amended for antecedent basis purposes, to correct errors, and to clarify the claimed invention. No new matter was added. The limitations of claim 29 have been incorporated into claim 25, and claim 29 has been canceled. Accordingly, Applicants believe that claims 25-28 are now in allowable format. Applicants believe that claims 14-28 and 45-48 are in condition for allowance, and respectfully request notice to this effect.

**I. Statement of the Substance of the Interview conducted on August 23, 2005**

Participants of the telephonic interview included Examiner Elahee and Applicants' representative Lisa Schoedel. No exhibits were shown nor demonstrations conducted. The participants discussed claims 14, 45, and 47. As a result of the interview, an agreement with respect to claims 14 and 45 was reached. The agreement is reflected in the amendments to claims 14 and 45 as found in the Amendments to the Claims section of this Response. In addition an understanding regarding what type of amendment would place claim 47 in allowable format was

reached. However, no agreement regarding specific claim language for claim 47 was reached. Claim 47 has been amended based on this understanding.

**II. Response to the Rejection under 35 U.S.C. § 103(a) Based on "Kung" and "Pepper"**

The Examiner rejected claims 14-24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,252,952 ("Kung") in view of U.S. Patent No. 5,930,700 ("Pepper"). In amended claim 14, Applicants recite a method of implementing a telephone network system for providing a private network having call management services. The method includes evaluating a first set of privileges associated with the calling party and a second set of privileges associated with the called party. In the Office Action, the Examiner states, and Applicants agree, that Kung does not teach evaluating a set of privileges associated with the calling and called party. (Office Action, page 4.) The Examiner then states that Pepper teaches evaluating a set of privileges associated with the calling and called party. Applicants respectfully disagree with this characterization of Pepper.

In contrast to Applicants' claimed invention, Pepper teaches evaluating a priority assigned to the calling party. Pepper describes a system and method for automatically screening and directing incoming calls. (See, e.g., Pepper, Title.) Prior to a call, the called party assigns priorities to potential calling parties. (See, e.g., Pepper, col. 10, lines 60-63.) When a call is placed to the called party, the system identifies the priority assigned to the calling party and directs the call based on that priority. (See, e.g., Pepper, Abstract.) For example, a call from a calling party having a high priority may be forwarded to the called party, while a call from a calling party having a low priority may be transferred to a voice mail system. (See, e.g., Pepper, col. 10, line 60 to col. 11, line 7.)

As described above, Pepper evaluates priorities, not privileges. Priorities are different than privileges. While privileges can be assigned to a caller based on a caller's priority, privileges may

also be assigned based on other reasons. Moreover, Pepper is only concerned with the priority of the calling party. The called party does not have an assigned priority. Such an assignment is unnecessary to screen incoming calls. Thus, Applicants believe that Pepper fails to show or suggest at least evaluating a first set of privileges associated with the calling party and a second set of privileges associated with the called party. Because neither Kung nor Pepper show or suggest evaluating privileges as claimed by Applicants, the combination of Kung and Pepper does not show each and every element of claim 14. Accordingly, claim 14 is not obvious in light of the combination of Kung and Pepper.

Claims 15-24 depend from claim 14. Thus, Applicants believe that claims 15-24 are allowable for at least the reasons described with respect to claim 14.

In light of the above, Applicants respectfully request withdrawal of these rejections under 35 U.S.C. § 103(a).

### **III. Response to Claim Rejections under 35 U.S.C. § 103(a) Based on "Kung" and "Thomas"**

The Examiner rejected claims 45-46 under 35 U.S.C. § 103(a) as being unpatentable over Kung in view of U.S. Patent No. 6,751,652 ("Thomas"). In the Office Action, the Examiner states that he disagrees with Applicants' previous argument because claim 45 does not require the transfer of a token back from a call agent in the originating gateway to the proxy server at the terminating agent. (Office Action, page 3.) Claim 45 has been amended to clarify that the token is returned from the call agent in the originating gateway to the proxy server at the terminating agent. Thus, Applicants believe that claim 45 is allowable.

Claim 46 depends from claim 45. Thus, Applicants believe that claim 46 is allowable for at least the reasons described with respect to claim 45.

In light of the above, Applicants respectfully request withdrawal of these rejections under 35 U.S.C. § 103(a).

**IV. Response to Claim Rejections under 35 U.S.C. § 102(e) Based on "Kung"**

The Examiner rejected claims 47-48 under 35 U.S.C. § 102(e) as being anticipated by Kung. In amended Claim 47, Applicants recite a method to transmit proprietary data from a source to a destination within a Virtual Private Network (VPN). The method includes determining whether the destination is within the VPN as determined by a target directory number. If the destination is within the VPN, available characters of the Signaling System 7 parameter in the Initial Address Message are populated with any proprietary data that needs to be sent to the destination. The method further includes determining whether the source is within the VPN as determined by a calling line identity. If the source is within the VPN, the proprietary data is then extracted from the available characters. As a result, proprietary data is only obtained at the destination when both the source and the destination are within the VPN.

In the Office Action, the Examiner cites to Figs. 1 and 2, and col. 16, lines 6-22 for support that "Kung further teaches populating the available characters of the Signaling System 7 parameter in the Initial Address Message with any proprietary data that needs to be sent to the other end, if the destination is within the VPN, as determined by a target directory number." (Office Action, page 8.) Applicants respectfully disagree with this characterization of Kung.

Kung's Figs. 1 and 2 are network diagrams that depict the interconnections between network elements, such as the PSTN and the Internet. Col. 16, lines 6-22 of Kung describes how different types of data can be routed, such as routing IP based data packets between an IP network and the Internet and routing IP based voice packets via the Internet. However, Kung does not distinguish

whether the data is proprietary data or not. Without making this distinction, all data, including propriety data, can be transmitted to and received by a destination that is not within the VPN. Thus, Applicants do not believe that Kung shows or suggests determining whether the destination is within a VPN and only populating available characters of the Signaling System 7 parameter in the Initial Address Message if the destination is within the VPN. Similarly, Applicants do not believe the Kung shows or suggests determining whether the source is within the VPN and only extracting data after determining that the source is within the VPN. Because Kung does not show or suggest each and every element of claim 47, Applicants believe that Kung does not anticipate claim 47.

Claim 48 depends from claim 47. Thus, Applicants believe that claim 48 is allowable for at least the reasons described with respect to claim 47.

In light of the above, Applicants respectfully request withdrawal of these rejections under 35 U.S.C. § 102(e).

### CONCLUSION

In light of the above amendments and remarks, Applicants submit that the present application is in condition for allowance and respectfully request notice to this effect. The Examiner is requested to contact Applicants' representative below if any questions arise or she may be of assistance to the Examiner.

Respectfully submitted,

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